

A COMPLETE STORY OF THE BYWATERS TRAGEDY

One of the Strother Brothers Is a Member--Elect of the West Virginia Legislaturc

THE WIDOWED BRIDE TELL OF THE FATAL SHOOTING

CULPEPER, Va., Dec. 21.—Wednesday was an eventful one in the notoriety of the Strother-Bywaters case. The coroner's jury, after taking the testimony of Mrs. Gaines, the sister of the accused Strother boys, and of Mrs. Bywaters, the widowed bride of an hour, rendered its verdict. It found simply that Bywaters came to his death from bullet wounds inflicted by James A. and Philip J. Strother, and affixed no degree to the crime.

Within an hour afterward the testimony was presented before Alden Bell, mayor of Culpeper, acting as magistrate. The case was submitted on the evidence already adduced, and the two brothers, waiving further examination, were bound over in bonds of \$5,000 each to the January term of the grand jury.

The testimony of Mrs. Gaines, sister of the Strother brothers, leaves little doubt that the boys will be acquitted when they are brought to trial. Before her testimony began sentiment to some extent was with Bywaters, but when she had finished her dramatic recital of events leading up to the tragedy an immense change had been wrought. The truth and sincerity of the witness could not be questioned by those who watched her as she told of the cold, callous, heartless conduct of Bywaters immediately after his marriage. The impression here is that her testimony alone amply vindicates her brothers, and that they will go clear after a quick trial.

Mrs. Gaines was the first witness called. She was asked by the coroner to explain what happened at the home of her brothers the evening of the tragedy. Mrs. Gaines said that when she arrived she was told by her brothers:

"It is all over; they are married."

"They Have Broken My Heart."

She went to her sister's room and found her alone and crying bitterly. Mrs. Bywaters exclaimed:

"Oh, Nellie! Why did they make me marry him? They have broken my heart."

Witness tried to comfort her sister. She said to Mrs. Bywaters:

"Vio!a, now that you are married, it is the duty of your husband to remain at your side, and mine to go to my children."

"No one was in the house," witness said, "except the two brothers, Mr. Bywaters, his wife and myself. Mrs. Bywaters insisted on my remaining."

Continuing, the witness said that she and Bywaters and the two brothers were in the sitting-room when she told him (Bywaters) that she could not stay, and he said that he was obliged to return to town and attend to some business.

"My sister," witness continued, "was then supposed to be in a dying condition. He did not seem to regard the condition of his wife of any consequence, speaking of going to tell his mother of the marriage and of leaving the house in a light rain. He was insulting in his language and was furiously mad."

"I said to him: 'You are the lowest dog that ever lived. You have taken my sister to Washington and had an operation performed in the cruelest manner. I have stood by her two days and seen her go through physical and mental agony for you, and now you want to leave her in this condition without any protection, and I prayed that the child might die and be spared

such a life as she would have to live with you."

"He laughed at me and sneered in my face. About that time my husband said: 'Bywaters, I want to tell you what I think of you. You have violated every obligation as an Odd Fellow and as a gentleman.'"

"He said: 'Yes, I know it;—but you and the Odd Fellows. What have you got to do with it?'"

Forced to Marry Her.

"Bywaters then cursed them with every vile epithet under Heaven. My husband and two brothers heard him, and he made motions as if he would like to throttle my husband, and my brothers kept him from striking my husband. I saw he was determined to force trouble on us, and I pulled my husband from the room and then I went out on the front porch."

"I did not see anyone again until I went to the dining-room, where Jim and Philip were. We talked about what had happened. We just said he would have to stay with her and nurse her as a husband should. Those were the conditions they gave him when he married her. We decided he should stay. That was the condition under which he had begged his life. We wanted to conceal the fact that he had been forced to marry my sister."

"One of my brothers said he would go upstairs and tell him that he was not to leave the house that night. We were then in the dining-room, and I heard my sister's voice. I said 'Let us go up stairs.' When I got up to the head of the steps and could see into the room the man (Bywaters) was sitting by my sister's bed and she had her arms around him, holding him. He jerked away from her, and in trying to get down the steps nearly pushed me over."

Boys Began Firing.

"My husband then pulled him back. The minute Edwin let him go he darted for the window. As he went out of the window the boys began firing. There were no shots fired in the room."

Witness then said that certain bloodstains on the floor were due to the hemorrhage which her sister had during the day. Mrs. Gaines said the shots were fired on Bywaters as he went through the window. Her brothers, Jim and Phil, fired the shots.

Replying to a question, the witness said that Bywaters had said he knew nothing of her condition, and saw nothing wrong. This was on Thursday.

She told him her sister was dying as the result of an operation performed under his direction.

"He laughed," continued the witness, "and said: 'You can't prove it.' I told him I could prove it."

Mrs. Gaines and her sister, the widow of the slain man, both testified in the afternoon.

Testimony of the Widow.

The most sensational development occurred in the afternoon. The morning was occupied with the testimony of Mrs. Gaines, and as soon as she was done the jury was driven out four miles into the country, to the farm of her husband, E. L. Gaines. Here, on a sickbed, lay Mrs. B. F. Bywaters, the young widow, who, propped up in bed, gave her testimony in a clear voice, shaken only with tears when she was forced to speak of her dead husband's tenderness and love toward her.

Mrs. Gaines testified that the shooting of Bywaters took place wholly within his wife's bedroom at Rother-

wood. Mrs. Bywaters avers that the shooting took place outside of her room. This was the only important difference of evidence between the two women.

Visits to Washington.

In her testimony, too, Mrs. Bywaters swore that, with her husband, she had made three trips to Washington to have criminal operations performed. She had stopped at the Montrose Hotel, registered under the name of Tyson. The doctors who performed the various operations were Dr. Leon and Dr. Walters. The first operation was performed on October 1. It was unsuccessful, and in two weeks another was tried. A third operation was tried just before Thanksgiving, and the last and fourth was performed at Dr. Leon's office.

From the result of these operations Mrs. Bywaters nearly died, and it was the fear of her sudden death from hemorrhages that impelled the girl's brothers to insist upon the immediate marriage for the sake of the girl's honor and good name.

In Guise of Protector.

The testimony of Mrs. Gaines showed that Bywaters was a cousin of the Strother family. It showed also that the girls were left with their brother Philip as their only protection, and that Bywaters came forward with couisly solicitude and wanted to share the role of protector of the family. In this guise and under this influence he wronged Viola Strother, and having got her consent to a criminal operation for the purpose of hiding his crime, he tried to get the girl to conceal her illness until it well-nigh proved fatal to her.

When he tried to leave his bride, who was then supposed to be dying, he was shot by the girl's brothers.

Early in the morning the Strother brothers, who did the shooting, and French, the big brother, who looks like Jeffries, arrived in town and attracted much attention as they walked the streets. It had been said the day before that Mrs. Bywaters, the widowed bride, was so ill that her testimony could not be taken before January 12, but she could receive the visit of the jury.

Micajah Woods Engaged.

The news made a stir in the town, as it was hoped that this meant a speedy termination of the case one way or the other, and thus relieve Culpeper of some of the notoriety which, however, it seemed to find not unpleasant. Early, too, it was announced that the Bywaters family had retained to assist the commonwealth's attorney Capt. Micajah Woods, of Charlottesville, the man who won fame by his successful prosecution of Major McCue, who was hanged for the murder of his wife.

When Philip Strother appeared on the street, in company with his brother, it was noticeable that he was wounded. It was rumored that he had received this in a struggle with his sister's husband, but Philip said, and his story was borne out by others, that his injuries came from walking off a bridge in the dark.

Later in the day it developed that Jim Strother, who has been practicing law at Welsh, W. Va., has been mayor of that town for many years, and only vacates the office next spring to take the seat in the West Virginia Legislature, to which he was recently elected.

It was 11 o'clock in the morning when the crush of officials, lawyers and newspaper men being so great, the inquest was shifted from the office of the coroner to the mayor's office. Mrs. Gaines, in company with her cousin, Mrs. George Williams, and her husband, was waiting there. She at once took the formal oath and began her testimony, which, by direct and cross-examination, lasted three hours.

Mrs. Gaines and those with her were all dressed in black, and the two women were heavily veiled. At first Mrs. Gaines appeared a bit nervous, but this soon passed off. She then threw back her veil, and thereafter told her story simply and with fine directness. The lawyers present agreed that they had seldom seen a woman on the stand with more poise or self-possession. There were times when the same questions were asked her at intervals of over a half hour, and in such cases her answers never varied, and most of the time they were couched in identical language.

Once or twice when the questions were on personal grounds or dealt with subjects that are not usually discussed in public Mrs. Williams put a protecting arm about the witness, but always Mrs. Gaines threw it off, a trifle impatiently, and nerved herself for the ordeal.

Without particular incident the flow of testimony went on uninterruptedly. It was a deadly slow process, as the testimony, questions and answers, were taken down in long hand. Only the coroner apologized for this by say-

ing there were no stenographers to be had but girls.

"Well, I wouldn't have objected to a lady," said Mrs. Gaines, looking about. It was the only sign she gave of feeling at all uncomfortable in the midst of the crowd of men. It was just at the point where she was testifying that she was upbraiding Bywaters for leaving his wife in a dying condition that the door opened and Philip and Jim Strother came in. They took seats quietly where they could watch their sister's face. A little later, when Captain Woods was cross-examining Mrs. Gaines and mentioned the name of French Strother, when the witness had not done so, French jumped to his feet and said:

"She didn't say nothing like that."

"Don't interfere, French," said his counsel.

"Sit down," said the coroner, but French, growling, stepped to the table and the incident was explained. Then he returned to his seat by his brother Jim, and Mrs. Gaines continued her testimony.

SITE OF 1784 CONGRESS HALL FOUND IN TRENTON

ORIGINAL LEASE DUG UP BY DR. CARLOS E. GODFREY—A LONG DISPUTE SETTLED.

CONTINENTAL LAWMAKERS MET IN A HOUSE THAT RENTED FOR \$150 PER ANNUM.

TRENTON, Dec. 20.—Dr. Carlos E. Godfrey of the Adjutant General's office, has notified Governor Stokes that he is ready to prove that he has discovered the site of the building in which the Continental Congress sat in Trenton. Mr. Godfrey states that the site is now occupied by the building of the Mechanics' National Bank, of which, oddly enough, Gov. Stokes is President.

The Continental Congress sat in Trenton from Nov. 1 to Dec. 24, 1784, but there has long been a dispute as to the building in which the sessions were held. Various historians have differed absolutely, the old courthouse, the present site of the Trenton Banking Company, the Blazing Star Tavern, also known as Witt's City Tavern, being mentioned. In this city there has always been much debate among old residents as to the location of what was really the early seat of the National Capitol. Now, Dr. Godfrey asserts in writing to Gov. Stokes that he has the original lease of the building and papers to verify all his contentions. He suggests that if Gov. Stokes is too busy to give personal attention to the matter, an officer of the bank be appointed to go over the papers, so that arrangements may be made for the erection of a commemorative tablet.

Dr. Godfrey says that he had great difficulty in locating the site. Authorities differed on many points, and much of the research he indulged in led him nowhere. Finally he ascertained that Samuel Henry owned and lived in a house that afterward became the City Tavern, situated on the southwest corner of State and Warren streets. An announcement in an old newspaper that Jacob Bergen was to open a tavern in the house owned by Henry, and the will of Henry, who died shortly afterward, led him in the right direction, and he discovered the following lease:

"Memorandum of an Agreement Between Jacob C. Bergen of the one part & Moore Furman, James Ewing & Conrad Knotts of the other part. Witnesseth that the said Jacob C. Bergen doth hereby Agree to Rent the house he now lives in. Situate Near the Market house in Trenton, late the Property of Sam'l Henry Deed; and Now held by a lease for and until the first day of April in the Year Seventeen Hundred & Eighty Six at the Yearly Rent of one hundred & fifty pounds, unto the said Moore Furman, James Ewing & Conrad Knotts for the use & purpose of the Congress of the United States of America to Set in from the Thirtieth day of October Next for and until the End and Expiration of the said lease. In Consideration of which the said Moore Furman, James Ewing & Conrad Knotts Doth Agree to pay or cause to be paid unto the said Jacob C. Bergen the Sum of one hundred & Seventy five pounds; by an order on the Treasurer of this State on the said thirtieth day of October, in Gold or Silver Money, and Also to pay or Cause to be paid the said Yearly Rent, of one hundred & fifty pounds, Agreeably to the said lease, & it is further Agreed upon that the said Jacob C. Bergen is to have and Retain the use of the Stables and Garden Ground, for and During, and so long as the Congress may Set in the said house, and it is Agreed upon that the said Jacob C. Bergen is to live in & Make use of the said house until the said thirtieth day of October, and until the said Congress may Want the Same to Set in. In Witness Whereof the said Jacob C. Bergen doth Set his hand & Seal this thirty first day of August, 1784.

Jacob G. Bergen, (Seal.)

Witness Present: Dan'l Yard, Chas. Brady.

(Indorsed upon the back)

Pay the within mentioned One hundred & Seventy five pounds, and also Fifteen Shillings for a Table for the use of Congress to Mr. Jacob G. Bergen. Jas. Ewing.

To Moore Furman.

The three mentioned in the lease were the committee appointed to arrange for the reception of the Continental Congress. Lafayette took his final farewell of Congress in the house indicated on Dec. 14, 1784, and Washington held a reception there in 1789 while en route to New York to take the oath of office as President.

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